IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1761/07

Radheyshyam Pareek **Versus** State

DATE OF ORDER :: 22/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. M.C. Jain, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

Petitioner is facing trial for offence u/ss.420 & 406 IPC. It appears that at this stage when the statement of accused was to be recorded i.e. from 9th October, 2001, petitioner remained absconded and warrant of arrest was issued. He filed application u/s.70(2) Cr.P.C. for conversion of warrant of arrest into bailable which was disallowed by learned trial Judge.

Petitioner has tried to give justifiable reason for which he could not appear, but this court finds no substance in the same for the reason that there is no prima facie material which could justify his absence from October, 2001 till filing of application. However, in case petitioner surrenders before competent court of jurisdiction, his application for grant of bail be simultaneously considered in accordance with law. With these direction, this misc. petition stands disposed of.

[AJAY RASTOGI],J.